

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2009 of 2018

Arising Out of PS. Case No.-298 Year-2018 Thana- GANDHIMAIDAN District- Patna

Rajesh Singh @ Rajesh Raushan Singh son of Late Dharmendra Kumar Singh
@ Nagendra Singh, resident of Mohalla - Bakerganj, Opposite Rupak
Cinema, P.S. - Pirbahore, District – Patna. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Home Affairs,
Govt. of Bihar.
2. Director General of Police, Bihar, Patna.
3. Inspector General of Police, Patna Region, Patna, Bihar.
4. Deputy Inspector General of Police, Patna Region, Bihar.
5. Senior Superintendent of Police, Patna, Bihar.
6. City Superintendent of Police, Patna, Bihar.
7. Deputy Superintendent of Police, Sadar Patna, Bihar.
8. Station House Officer of Pirbahore Police Station, Patna, Bihar.
9. Station House Officer of Gandhi Maidan Police Station, Patna, Bihar.
10. Varun Kumar Singh, Assistant Inspector of Police, Pirbahore Police Station,
Patna, Bihar.
11. Ajit Kumar, Constable No. 7414, Pirbahore Police Station, Patna, Bihar.
12. Jai Prakash Yadav, Constable No. 7749, Pirbahore Police Station, Patna,
Bihar. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Arvind Kumar Mouar, Advocate Mr. Mithilesh Kumar, Advocate Mr. Harish Kumar, Advocate
For the Respondent/s	:	Mr. Prabhu Narayan Sharma, AC to AG.

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)

Date : 06-09-2018

Heard parties.

The identity of the accused person is being disputed in this
matter.

It is being urged before us that name of the accused
person, who was found in possession of smack which is shown in the
FIR, does not tally with his signature in the seizure list and arrest
memo as well as forwarding letter. On that basis, it is being urged



that the petitioner is not that person and, as such, he is under illegal confinement, thus, he should be released. It is also being urged that the offence is bailable in nature.

Having regard to the aforementioned facts and circumstances of this case, we are of the view that this matter should be raised by the writ petitioner before the Special Court itself more-soever because his bail application is still pending.

Accordingly, this writ application stands disposed of granting such liberty to the petitioner. If such issue is raised by the writ petitioner, the Special Court should address the issue and pass necessary order in accordance with law.

So far as bail application is concerned, let the same be disposed of by the Special Court on the date fixed itself, if the same has remained pending.

It is made clear that this Court has not formed or expressed any opinion with regard to the merit of the case of the writ petitioner which is required to be considered by the Special Court.

(Dr. Ravi Ranjan, J)

(Madhuresh Prasad, J)

V.K.Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	07.09.2018
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